

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CEDARWOOD CONDOMINIUM OWNERS
ASSOCIATION, a Washington non-profit
corporation,

Plaintiff,

NO. C18-367 RSM

**STIPULATION AND ORDER RE
BRIEFING SCHEDULE FOR
DISCOVERY MOTIONS**

ALLSTATE INSURANCE COMPANY, a
foreign insurance company,

Defendant.

I. STIPULATION

Plaintiff Cedarwood Condominium Owners Association and defendant Allstate Insurance Company are at an impasse with respect to a series of discovery issues that relate to the Washington Supreme Court's *Cedell v. Farmers Ins. Co. of Washington*, 176 Wn.2d 686 (2013), decision and its progeny. The disputed issues relate to: (1) whether certain documents currently being withheld or redacted by Allstate based on claims of privilege should be protected from discovery by the Association or the production of those same documents should be compelled; and (2) whether Allstate's trial counsel are subject to deposition discovery due to their performance of pre-suit activities during Allstate's

**STIPULATION TO REQUEST BRIEFING
SCHEDULE FOR DISCOVERY MOTIONS - 1
(No. 18-cv-367-RSM)**

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1 adjustment of the Association's claim and, as a result, should be compelled to appear for
2 deposition or, conversely, whether they should be protected from this deposition discovery.

3 In relation to some of the disputed documents at issue, Allstate recently filed a motion
4 for protective order (Dkt. # 13). In conferring over these issues, it became apparent to the
5 parties that these and other discovery issues would result in numerous discovery motions
6 and/or cross-motions being filed with the Court. Rather than have numerous and potentially
7 duplicative motions, and in the interest of preserving Court and party resources, the parties
8 ask for permission to file one set of discovery motions, with modified page limits. As such,
9 Allstate's current motion for a protective order (Dkt. # 13) will be withdrawn. The parties
10 request permission from the Court to address all of these discovery issues in one holistic
11 motion process on a three-Friday timeline, wherein Allstate will file an 18-page Motion for a
12 Protective Order, the Association will file an 18-page Opposition and Cross-Motion to
13 Compel, and then Allstate will file a six-page Reply.

14 There is one issue as to the briefing schedule that the parties have not been able to
15 reach agreement on and, as such, request that the Court resolve. The Association would like
16 permission to file a six-page Sur-Reply given that the Association is cross-moving for relief
17 and because it will result in the parties being provided an equal number of briefing pages.
18 Allstate maintains that a sur-reply is procedurally inappropriate. As such, the parties provide
19 two alternative briefing schedules, one with a sur-reply and one without, for the Court to
20 choose from should it enter the Order requested through this stipulation.

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24 STIPULATION TO REQUEST BRIEFING
SCHEDULE FOR DISCOVERY MOTIONS - 2
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1 DATED this 13th day of September, 2018.

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Attorneys for Defendant

9 **II. ORDER**

10 IT IS SO ORDERED that the parties are granted leave to file one holistic motion,
11 with modified page limits, to address the currently disputed discovery issues between them
12 related to *Cedell* and its progeny. The motion will be filed on a three-Friday calendar, with
13 the following page limits:

14 Allstate will file an 18-page Motion for a Protective Order, the Association will file
15 an 18-page Opposition and Cross-Motion to Compel, Allstate will file a six-page Reply no
16 later than noon on the Wednesday before the noting date, and then the Association will file a
17 six-page Sur-Reply no later than the noting date.

18 DATED this 14th day of September 2018.

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RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

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1 Presented by:

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STIPULATION TO REQUEST BRIEFING
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